

REMARKS

Claims 5-6 and 12-13 have been amended. No claims have been canceled. No new claims have been added. Claims 1, 3-7, and 9-15 are pending.

Claims 1, 3-7, and 9-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tsukamoto (U.S. Patent No. 5,128,981). This rejection is respectfully traversed.

Claims 1 and 7 recite, *inter alia*, "... the selected information is displayed as a sequential list that scrolls in response to a change in current time of day information."

The Office Action asserts at page 4 that Tsukamoto discloses the feature where "selected information is displayed as a sequential list that scrolls as the current time of day information changes," and refers to Fig. 11 and Fig. 26 (steps 800-801) for support. More specifically, the Office Action states, with reference to Fig. 11:

The first line is 9:00-12:00, one of ordinary skill in the art could [sic] recognize that, the time 8:00-9:00 have just passed and at the current time is scrolling up, therefore, the current time schedule is now 9:00-12:00 and when the time passed beyond 12:00, the line 9:00-12:00 is [sic] no longer exist and the first line will be 10:00-11:00.

It is respectfully asserted that the Office Action is in error, in at least two fundamental aspects.

First, the Office Action is in error by assuming that Fig. 11 illustrates the state of a day's schedule at a particular time of day. Although Fig. 11 is a schedule display, it is merely the schedule display for an entire day of schedules. That is, the schedule does not vary as the time of day changes within any particular day. Support for this proposition may be found at column 4, lines 60-62, which describes Fig. 10 as "a diagram useful for explaining the procedure for specifying the date of a schedule to be displayed" (emphasis supplied), and which further describes Fig. 11 at column 4, lines 63-64 to be "an example of the displayed schedule at the date specified in FIG. 10." See also column 14, lines 43-46 ("When as in the latter case the schedule display is selected at an arbitrary time, a question of what day's schedule to be displayed is

indicated as shown in FIG. 10.”) Thus, as time progresses throughout a day, there is no scrolling of the plurality of schedule items (11a, 11b, 11c, 11d, 11e) illustrated in Fig. 11.

Further, as noted in the previous response, Fig. 26, which illustrates process 1310, and also relied upon by the Office Action in support of the final rejection, is in fact associated with alarm processing and not relevant to the discussion at hand. See Fig. 26, steps 802, 803, and 806. None of the steps illustrated in Fig. 26, including steps 800-801 cited in the Office Action, relates to scrolling of a schedule display. In fact, the Office Action implicitly acknowledges this at page 2 by stating “the Examiner does [sic] not rely [sic] on other features of Tsukamoto such as alarm set.”

Thus, contrary to the assertions made in the Office Action, it is respectfully asserted that one of ordinary skill in the art would not interpret Fig. 11 as illustrating a schedule including entries (e.g., 11a – 11e) which are scrolled based upon the time of day.

Second, a closer examination of the contents of Fig. 11 illustrates that assertions made in support of the Final Rejection cannot be supported. The first schedule entry illustrated in Fig. 11 (11a), is shown to represent a time period between 09:00-12:00.

The Office Action asserts that when time advances past noon (e.g., to 12:01), entry 11a would expire and the list, now comprising entries 11b – 11e (i.e., now missing entry 11a), would scroll up by one position. Office Action at page 4 (“The first line is 9:00-12:00, one of ordinary skill in the art could [sic] recognize that, the time 8:00-9:00 have just passed and at the current time is scrolling up, therefore, the current time schedule is now 9:00-12:00 and when the time passed beyond 12:00, the line 9:00-12:00 is no longer exist and the first line will be 10:00-11:00.”) But if as the Office Action suggests the new time is some time after noon, why would the schedule scroll to show entry 11b as the next time entry since that time entry (10:00-11:00) has also expired? It appears that the Office Action is assuming that entries 11a – 11e form a sequence of non-overlapping and successive time periods. In fact, nearly half of the entries in Fig. 11 overlap with other time entries, rendering the entire scheme suggested in the Office Action and relied upon for supporting the Final Rejection unworkable. Further, previously

noted, entries 11a – 11e form the sequence of non-overlapping and successive time periods, there is no disclosure or suggestion within Tsukamoto regarding scrolling any portion of the list.

It is respectfully asserted that the Office Action's conclusion that Fig. 11 illustrates a schedule having a plurality of entries which scroll with clock time is not supported by the reference and thus cannot support any rejection under 35 U.S.C. 102. Further, as the Office Action has failed to provide any reasonable rationale or evidence regarding obviousness, any such conclusion appears to be a result of impermissible hindsight.

Accordingly, independent claims 1 and 7 are believed to be allowable over the prior art of record. Depending claims 3-4 and 9-11 are also believed to be allowable for at least the same reasons as claims 1 and 7.

Claim 5 recites, *inter alia*, "wherein said current time of day indicator is associated on the display with one of said at least two displayed schedule data coincident with said current time of day information."

Claim 12 recites, *inter alia*, "displaying a list of at least two of said schedule data and a current time of day indicator associated with one of said at least two displayed schedule data coincident with the current time of day information."

Claims 5 and 12 have been amended to more clearly distinguish between a "schedule time" and a "current time of day."

The Office Action alleges at page 4 that Tuskamoto discloses at Fig. 11 a list of schedule data and a current time of day indicator. It is respectfully asserted that the Office Action is in error. Tuskamoto Fig. 11 illustrates a table in which the first row includes date information, a second row of column headers, and succeeding rows of schedule information. Each row of schedule information includes a schedule time period, however, the table illustrated by Fig. 11 does not include a current time of day indicator. Compare, e.g., Tuskamoto Fig. 11 with application Fig. 3 and page 4, lines 11-12 ("The current time of day is indicated by an arrow

'>' to the left of the time column in the display; hence, Figure 3 shows the daily schedule display at 11am.")

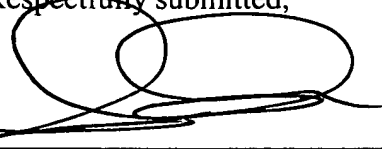
Tuskamoto therefore fails to disclose or suggest the above quoted portions of independent claims 5 and 12. Claims 5 and 12 are believed to be allowable over the prior art of record. Depending claims 6 and 13-15 are also believed to be allowable for at least the same reasons as claims 5 and 12.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,



Dated: November 10, 2005

By: _____

Christopher S. Chow
Reg. No. 46,493
(858) 845-3249

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502